

REPLY

Serial No. 10/020,596
Atty. Docket No. GP123-02.UTRemarks

Claims 1-25, 27-32, 34, 36 and 61 are presently pending in the subject application.

Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Claim 35 has been canceled herein without prejudice to the prosecution of the subject matter of this claim in this or a future continuing application.

Claim 1 has been amended herein to emphasize that the dissociating reagent is added to the sample after the probe and the target nucleic acid have had sufficient time to associate in the sample. This amendment is supported in the specification at, for example, page 44, lines 10-22.

Claim 7 has been amended herein to specify that the claimed polymer has a weight average molecular weight of from 10,000 Da to less than about 300,000 Da. This amendment is supported in the specification at, for example, the paragraph bridging pages 30 and 31.

The specification has been amended herein to delete the incorporation by reference statement appearing at page 1, lines 14-22 of the specification.

Interview Summary

Applicant wishes to thank the Examiner for the many courtesies extended during a telephonic interview conducted with the undersigned representative on January 10, 2006. The substance of that interview is fully reflected in the above amendments and the following remarks.

Objection to the Specification

The Examiner objects to the specification on the ground that documents have been improperly incorporated by reference. Without further addressing the merits of the Examiner's argument, Applicant has amended the specification herein to delete the language objected to by the Examiner. It is noted for the record that no reference cited in the application is deemed to contain "essential material" for satisfying any of the requirements of 35 U.S.C. § 112.

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Serial No. 10/020,596
Atty. Docket No. GP123-02.UTRejection Under 35 U.S.C. § 103

Claims 1-25, 27-32, 34-36 and 61 stand rejected by the Examiner under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,928,869 (Nadeau *et al.*) in view of International Publication No. WO 97/43450 (Cronin *et al.*). In general, Nadeau is cited by the Examiner for teaching labeled probes and the use of amplification reagents in water-based solutions capable of functioning as dissociating reagents, and Cronin is cited for teaching the use of polylysine to accelerate hybridization reactions. As pointed out by Applicant's representative during the interview, the collective references neither teach nor suggest adding a dissociating reagent to a sample after a polynucleotide probe and a polycationic polymer present in the sample have had sufficient time to associate. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant submits that the instant application is in condition for allowance and early notice to that effect is earnestly solicited.

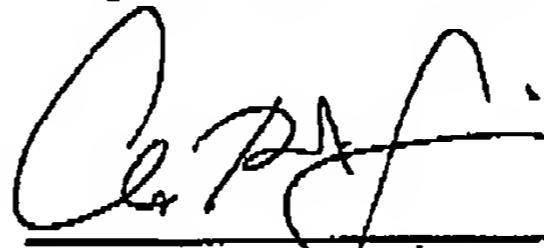
Please charge any fees due in connection with this Reply, including the fee due for a one month extension of time under 37 C.F.R. § 1.17(a)(1), to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

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Serial No. 10/020,596
Atty. Docket No. GP123-02.UTCertificate of Transmission

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 571-273-8300 on the date indicated below to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

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Date: January 13, 2006

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